

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of

A National Broadband Plan for Our Future

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GN Docket No. 09-51

COMMENTS

Barat Wireless, L.P. (“Barat”), Carroll Wireless, L.P. (“Carroll”) and King Street Wireless, L.P. (“King Street”) (collectively, the “Commenting Parties”) hereby provide comment in response to the Commission’s Notice of Inquiry in the captioned proceeding (“Notice”).

OVERVIEW

By its Notice, the Commission posed a wide array of questions to assist in the development of a national broadband plan (the “Plan”), Notice at §2. The focus is to enable the build-out and utilization of high-speed broadband infrastructure. Given the vast array of questions presented in the Notice, the Commenting Parties address only certain key inquiries raised by the Commission, rather than providing a more comprehensive response. Their overarching message is that the Plan should focus on providing minimum performance criteria and support for broadband systems, while not mandating the service with cumbersome and unnecessary regulation, and should provide opportunities for entrepreneurs, as the Commission has previously done in the auction context.

COMMENTS ON SPECIFIC QUESTIONS

1. Definition of Broadband. The Commission inquired as to how “broadband” should be defined. Notice at §§13, 16. The Commenting Parties urge the Commission not to over-define the term such that it becomes a government designed enterprise. Rather, basic

pragmatic considerations should limit government involvement. The definition should include minimal speed. It should also be technologically neutral, thereby applying equally to wireline and wireless. Speed measured at the edge of wireless contours would appear to be appropriate provided the edge of the contour could itself be measured by any reasonable means that permits a quality signal to be received there, consistent with general industry standards.¹

2. Affordability. The Commission has inquired about how access and affordability should be considered together. Notice, at §27. Absent affordable access, access itself becomes largely theoretical, and meaningless. For most terrestrial systems, commercial considerations mandate a level of affordability, and absent such affordability, or at least perceived affordability, such systems will generally not be constructed. For those systems, no analysis of affordability appears to be necessary. For others, such as certain satellite services, where coverage is more ubiquitous, and where greater coverage does not directly require greater investment, there is a need to assess affordability. In such instances the Commission may want to look to the costs for other communications services and possibly adjust them somewhat, in order to take into consideration affordability.
3. The Role of Regulation. The Commission sought comments on the role of regulation on broadband infrastructure and service markets. The Commission should learn from industry experience involving Competitive Local Exchange Carriers (“CLECs”) and the Universal Service Fund (“USF”). In the former, for years there was theoretical opportunity for additional parties to offer service, but efforts from incumbents, to limit competition were not adequately rebuffed by regulators. With respect to USF, general principles were set forth without sufficient thought being given to the overarching result of those policies, and how to

¹ This is generally the approach used by the Commission’s Wireless Bureau of evaluating Section 24.203 build out showings, and it has been successful.

rationality not apply policies in instances where the objectives behind the policies were not applicable.

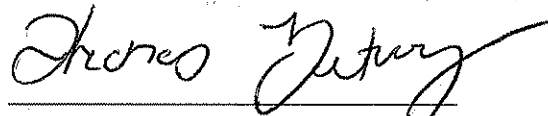
4. Cognitive Radio Devices and Unlicensed Services. The Commission inquired about what it should do to promote the development of cognitive radio devices in order to ensure that more availability of spectrum for broadband increase, and to what extent should unlicensed wireless play a role in a national broadband plan. Notice, at §45. Like any other means of providing broadband, both cognitive radios and unlicensed devices should be part of a nationwide broadband plan. Nonetheless, each of these is a specialized application that is being dealt with, in depth, in several other proceedings. Each also brings with it a myriad of technical and interference considerations. As such, it appears most appropriate for this proceeding to confirm that broadband through either of these modes is encouraged and will be considered in measuring overall availability, but not to otherwise become immersed in technical detail involving them.
5. Competition. In the Notice, at §49, the Commission invited comments regarding whether multiple providers of broadband services are useful or necessary for achievement of the Commission's goal of providing broadband to unserved and underserved areas. The Commenting Parties believe that multiple providers are a positive factor necessary and should be encouraged. Competition will increase the likelihood that there will be a mode of delivery that will meet the needs of the majority of consumers.
6. Access to Computers and Computer Training. In two related contents, the Commission inquired about the link between access to a computer and access to broadband, and the role that computer training and education should play in a nationwide broadband program. Obviously, computer access and broadband access are closely linked. The particular relevance of that link, insofar as the Plan is concerned, may well be the ability of broadband options, including wireless, that include use of less expensive customer equipment. The

Commenting Parties wholly support training, and believe that its positive impact in the DTV transition can be replicated, or expanded, in terms of the Plan.

7. Entrepreneurial Activity. In the Notice, the Commission raised two issues regarding entrepreneurial activity: (1) how broadband can enhance it and (2) how the Plan should enhance it. Notice, at §§ 98-101. The Commenting Parties submit that the mandate reference in the Recovery Act to enhancing entrepreneurial activity should not be limited to, for example, facilitating web-based entrepreneurial activities. Rather, it should be read as urging that the Plan recognize that a strong broadband plan can enhance productivity by facilitating a number of entrepreneurial activities. Similarly, the Plan should take into account that access to broadband can be enhanced best through facilitating entrepreneurial entry into the process.

Respectfully Submitted,

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